

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re	:	Chapter 13
REGINALD BROWN,	:	Bankruptcy No. 04-30596DWS
Debtor.	:	
<hr/>		
In re	:	Chapter 13
TONYA CLARK, aka Tt, aka TONYA BERGER-CLARK,	:	Bankruptcy No. 04-35004DWS
Debtor.	:	
<hr/>		

ORDER

AND NOW, this 26th day of April 2005, this Court having held hearings on notice in the above captioned cases in which the above captioned debtors are represented by Gerald Alston (“Alston”);

And the debtors appearing and their counsel Alston not;

And Alston failing to request continuance from the Court;

And Alston not notifying his clients that he would not be present;

And Alston not filing an answer in Reginald Brown’s case although they had evidence of payment;

And Alston not advising his opponents' counsel (who appeared) that he would not be present;¹

And both hearings being continued until **May 3, 2005 at 9:30 a.m.**;

It is hereby **ORDERED** that:

1. Alston shall appear at the hearing on **May 3, 2005** and show cause why he should not be sanctioned for his failure to discharge his duty as an attorney to his clients and as an officer of the court. There shall be no continuances of these matters and if he does not appear, this court shall issue a bench warrant to compel his appearance.

2. To the extent that the debtors are dissatisfied with Alston's representation of him,² they may make an oral motion at the continued hearing for disgorgement of any fee paid to him. Likewise any counsel who incurred the unnecessary cost of an appearance because of Alston's failure to notify him that he would not appear, may request by motion served on Alston that Alston pay the costs of that appearance. Such motion shall not be listed in the ordinary course but shall be heard contemporaneously with the rescheduled matters.

The United States trustee is invited to participate.

DIANE WEISS SIGMUND
Chief U.S. Bankruptcy Judge

¹ Lester Carson, Esquire appeared in response to the motion for reinstatement of the stay filed by Alston in Tonya Clark's case. Peter Mulcahy, Esquire had certified no answer and a default would have been taken in Reginald Brown's case had the debtors and he not been present.

² Both debtors indicated that to be the case when they appeared in court today.

Copies to:

Gerald M. Alston, Esquire
125 South 9th Street
Suite 1001
Philadelphia, PA 19107

Tonya Clark
6257 Morton Street
Philadelphia, PA 19144

Reginald Brown
5510 Jane Street
Philadelphia, PA 19138

Leslie J. Carson, Jr., Esquire
6378 Lancaster Avenue
Philadelphia, PA 19151

Peter J. Mulcahy, Esquire
FEDERMAN& PHELAN LLP
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19107

Dave P. Adams, Esquire
Office of the U.S. Trustee
833 Chestnut Street, Suite 500
Philadelphia, PA 19107

William C. Miller, Esquire
Standing Chapter 13 Trustee
P. O. Box 40119
Philadelphia, PA 19106-0119